

OGC 65-0439

OGC Has Reviewed

MEMORANDUM FOR: Chief, Personnel Security Division,
Office of Security

SUBJECT: Application of Federal Tort Claims Act
to Agency Employees

1. You have requested the Office of General Counsel to assist your office in preparing instructions for the guidance of Agency employees involved in accidents while driving personally owned vehicles (POV's) on Government business.

2. The Federal Tort Claims Act provides that the United States Government is liable for the negligence of its employees who, in the course of their employment, cause personal injury or property damage to others. Thus, when an Agency employee negligently operates either a Government-owned vehicle or a POV, the United States Government may be liable for any damages caused thereby.

3. The Office of General Counsel suggests that interested employees be advised that dealings with the other party to such an accident be handled just as they would be if the employee had not been involved in Government business at the time of the accident. The employee should feel free to inform the other party of the identity of his insurance carrier, and he should advise his insurance carrier of the accident. In the absence of a direct question by the insurance agent, the employee need not volunteer the information that at the time of the accident he was a Government employee engaged in official Government business.

?
while on
official
business

4. As soon as practicable the employee involved in the accident should advise the Office of Security and the Office of General Counsel of its nature and attendant circumstances. This will be done through appropriate channels, either in person or by submission of Form 91, whichever experience proves better. The Office of General Counsel will then determine the possible liability of the insurance carrier vis-a-vis the Government. If it is determined that the carrier is liable, the Office of General Counsel will take no further action; alternatively, if the Government is deemed liable, the Office of General Counsel will so advise the insurance carrier and will process the claim either on its own, through the appropriate U. S. Attorney's Office, or in collaboration with the General Counsel's Office of another

STATINTL

Office of General Counsel

STATINTL

cc: Office of Logistics

STATINTL

OGC:PJC:ibm
O&I - Addressee
1 - Subj - Vehicles
1 - PJC Signer
1 - Chrono
1 - Circ

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| CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP | | | |
|--|---------------------------|----------------|----------|
| TO | NAME AND ADDRESS | | INITIALS |
| 1 | Office of General Counsel | | |
| 2 | Attn: [REDACTED] | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| ACTION | DIRECT REPLY | PREPARE REPLY | |
| APPROVAL | DISPATCH | RECOMMENDATION | |
| COMMENT | FILE | RETURN | |
| CONCURRENCE | INFORMATION | SIGNATURE | |

Remarks:

I understand that OGC is
studying this problem now
preparatory to the issuance of a
legal position. It would be appreciated
if you would review this proposed
Book Dispatch at the same time
to determine whether the position taken
therein is consistent with the OGC legal position.

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.

DATE

| | | |
|--------------|--------------|----------------------|
| 5/2/65 | [REDACTED] | 3/2/65 |
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